

# **AG ISSUES UPDATE**

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## ***USApple Updates***

### **EWG's "Dirty Dozen" List Releases**

The Environmental Working Group (EWG) has released its 2025 "Dirty Dozen" list, placing apples at #9. This annual list is not based on sound methodology and continues to mislead consumers about the safety of produce.

Resources:

- USApple's "Dirty Dozen" Backgrounder outlines the serious flaws in the report's approach and offers messaging guidance.
- A new Produce Blue Book article highlights peer-reviewed research showing that EWG's methodology and recommendations are not scientifically substantiated.
- Additional facts and consumer-friendly tools—including the Pesticide Residue Calculator—are available at [safefruitsandveggies.com](https://safefruitsandveggies.com).
- The International Food Information Council (IFIC) has a pesticide toolkit with key messages and additional resources.

In recent years, the "Dirty Dozen" list has seen declining mainstream media coverage. While it occasionally gains traction through a recurring CNN report, overall media interest continues to wane. Nevertheless, the list persists in spreading consumer confusion and merits a clear, fact-based response from the industry.

### **House Representatives Urge AEWL Wage Relief**

In May, Congressman Bill Huizenga (R-MI) led a bipartisan effort urging House leaders to include an AEWL wage freeze in the 2026 spending bill. The wage freeze has been a top priority for USApple, and apple leaders urged support during Capitol Hill Day in March. As a result, most House members from

apple districts endorsed the effort. In total, 116 House members signed the letter to the Appropriations Committee leadership. USApple will continue to advocate for this effort as well as longer term H-2A legislative fixes and regulatory reforms.

## **New “Make America Healthy Again” Report Released**

A new report from the President's *Make America Healthy Again* (MAHA) commission, chaired by Health and Human Services Secretary Robert F. Kennedy Jr., was released today. The commission, created by President Trump on his first day in office, is expected to form a federal strategy over the next 80-100 days in response to the report that is likely to include policy recommendations.

It's expected to receive significant media and social media attention in the coming days.

USApple has fact-based resources available to help you respond to any questions you might receive to reinforce the safety and healthfulness of apples.

Backgrounders:

- Key Nutrients in Apples
- The Almighty Apple: Comprehensive Health Benefits
- Pesticide Data Program Backgrounder

The MAHA report focuses on rising rates of chronic disease among American children. It states the primary drivers behind the rise in childhood chronic diseases are:

- “The food American children are eating
- American children's exposure to environmental chemicals
- American children's pervasive technology use
- American children are highly medicated – and it's not working”

The report notes in multiple places that American children's diets are “lacking sufficient intakes of fruits and vegetables.”

Regarding environmental chemicals, the report says the government will regularly review the safety of pesticides, but acknowledges the important role of crop protection tools in agriculture: “American farmers rely on these products, and actions that further regulate or restrict crop protection tools beyond risk-based and scientific processes set forth by Congress must involve thoughtful consideration of what is necessary for adequate protection, alternatives, and cost of production. Precipitous changes in agricultural practices could have an adverse impact on American agriculture and the domestic and global food supply.”

USApple Talking Points:

- Apples are a near-perfect example of whole food nutrition at its best. Children – and adults – can benefit greatly by eating apples more regularly.
- Apple trees are vulnerable to hundreds of insects, diseases, and fungi. Growers must take steps to protect their orchards to ensure a safe, abundant food supply.
- Pesticide use is strictly regulated. Apple growers must follow EPA-approved application practices, and residue levels are continuously monitored.
- In the USDA’s latest *Pesticide Data Program* report, 100% of apples and applesauce samples tested had either no detectable residues or levels well below EPA safety thresholds.
- According to a residue calculator based upon USDA data and analyzed by toxicologists with the University of California:
  - A woman could eat 850 apples a day,
  - A man 1,190 apples, and
  - A child 340 apples—with no adverse effects from pesticide residues.
- U.S.-grown apples—conventional or organic—are safe, healthy, and proudly produced by American apple growers.

We will continue reviewing the MAHA report in coordination with allied organizations to identify any potential challenges or opportunities for the apple industry. In the meantime, please reach out if you need support or messaging assistance.

## **USApple Submits Recommendations for Regulatory Reform**

The Trump Administration has prioritized deregulation and cutting red tape. Toward that goal, the White House Office of Management and Budget issued a notice to “solicit ideas for deregulation from across the country.” USApple submitted comments that focus on the H-2A program and specifically the deluge of regulations imposed during the Biden Administration. USApple staff have also raised the importance of rescinding these rules in meetings with Members of Congress, the White House, and the Department of Labor.

## **House Agriculture Committee Includes USApple Farm Bill Priorities in Budget Reconciliation**

This week, the House Agriculture Committee advanced their portion of what will become the larger budget reconciliation and tax cut extension package. Recognizing the economic peril facing farmers across all commodities and regions, Chairman "GT" Thompson (R-PA) included funding for a number of Farm Bill programs including those advocated by USApple and the Specialty Crop Farm Bill Alliance (SCFBA). This is the first step in a lengthy process. The new Farm Bill will still be needed to provide updates and reforms to a host of programs. USApple issued the following statement:

“Chairman Thompson has consistently demonstrated real leadership and a deep commitment to American agriculture. His efforts to invest in critical programs like research and trade promotion provide a much-needed lifeline to apple growers facing rising input costs and uncertain markets. We will keep working to ensure a comprehensive farm bill that meets the full range of our industry’s needs.” – Jim Bair

## **Engaging the Trump Administration**

As President Trump continues appointing key personnel, USApple has proactively engaged with members of the new Administration to advocate for the apple industry. Fortunately, many of the new Trump appointees are familiar faces to our team, allowing for a smooth transition and productive early conversations.

To date, USApple has met with officials and staff across the following issue areas:

- USDA
- DOL
- U.S. Trade Representative
- Ag labor
- Export programs
- Research project funding
- Pesticide residue testing
- Government purchases of apples and apple products
- H-2A bureaucratic delays
- Adverse Effect Wage Rate
- Tariffs on apples in export markets
- Non-tariff trade barriers, i.e. sanitary & phytosanitary import rules

## ***Agricultural Law updates***

### **Agricultural Labor: Federal Court Upholds ‘Temporary Ag Workers Rule,’ Cases Still Pending**

On May 5, 2025, the U.S. District Court for the Eastern District of North Carolina issued an order granting summary judgment in favor of the U.S. Department of Labor (DOL) in a case challenging the department’s H-2A final rule, “Improving Protections for Workers in Temporary Agricultural Employment in the United States.” *N.C. Farm Bureau Fed’n, Inc. v. U.S. Dep’t Labor*, No. 5:24-cv-00527. The court found in favor of DOL on all four arguments raised by the plaintiff producers, holding that the

rule (1) “does not raise a major question” under the major questions doctrine, (2) does not exceed DOL’s statutory authority, (3) is not an arbitrary and capricious agency action, and (4) does not conflict with the National Labor Relations Act of 1935 (NLRA). The court departed from the reasoning of the three other district courts that have heard challenges to the rule and issued injunctions prohibiting DOL from enforcing portions of the rule, which notably prohibits employer “retaliation for self-advocacy and concerted activity.” The court stated, “Without addressing the definition of ‘collective bargaining,’ the courts in *Kansas* and *Barton* determined the Final Rule conflicts with the NLRA by bestowing upon H-2A workers the right to collectively bargain.” However, the court found that “‘collectively bargain’ is a term of art defined in the NLRA as ‘the performance of the mutual obligation of the employer and the representative of the employees to meet at reasonable times and confer in good faith,’ and ‘the negotiation of an agreement . . . and the execution of a written contract incorporating any agreement reached.’” The court then reasoned that “[b]ecause nothing in the Final Rule requires such ‘mutual obligation’ or ‘negotiation,’ it does not convey a right to collectively bargain.” Parts of the rule remain blocked in the other pending cases. See ALWR—Dec. 10, 2024, “Two Federal Courts Block ‘Temporary Ag Workers’ Rule, Nationwide Stay Issued” and CASL’s H-2A Program Issue Tracker.

## **Agribusiness: Pennsylvania Opens Farm Vitality Planning Grant Program, \$500,000 Available**

On May 17, 2025, the Pennsylvania Department of Agriculture (PDA) published in the Pennsylvania Bulletin a notice (55 Pa.B. 3427) of the standards and requirements for the Agricultural Business Development Center’s (ABDC) Farm Vitality Planning Grant Program. According to the notice, the program will provide grants up to \$15,000, limited to 75% of project costs, to help recipients with the following activities:

1. “Create or obtain business plans and management strategies to enhance the long-term economic viability of a farm.”
2. “Create or obtain plans for the transition of ownership and operation of a farm to new owners and operators.”
3. “Create or obtain plans for transfer of ownership and operation of a farm within the farmer’s family.”
4. “Create or obtain business planning to diversify an existing agricultural operation to new or different forms of agricultural production, including on-farm value-added processing and agritourism.”
5. “Maintain the long-term economic viability and protect the investment of public funds in preserving farms that are subject to perpetual agricultural conservation easements acquired under the Agricultural Area Security Law (3 P.S. §§ 901—916), for agricultural production.”
6. “Create or obtain business planning for a farm expansion or to seek financing for farm growth.”

PDA states that \$500,000 is available and that it “will accept [and review] applications received on or after May 19, 2025 . . . in the order they are received and . . . award grants on a continuous basis until available funds are exhausted.”

## ***Morning Ag Clips***

### **Secretary Rollins Announces Farmers First: Small Family Farms Policy Agenda**

OMAHA, Neb. — After nearly 100 days of traveling the nation and visiting directly with hundreds of farmers across America, U.S. Secretary of Agriculture Brooke L. Rollins today released the first set of policy proposals under her newly launched Make Agriculture Great Again Initiative. These initial proposals (PDF, 7.2 MB) are a comprehensive set of policy solutions aimed at improving the viability and longevity of smaller-scale family farms for generations to come. About 86 percent of all farms in the United States are small family farms. To ensure small family farmers can start and stay in business, the U.S. Department of Agriculture (USDA) has outlined a toolkit of actions, including the streamlining of application processes, improving reliable access to credit, farmland, and markets, and appropriate business planning tools.

The Small Family Farms Policy Agenda provides actionable solutions to a variety of challenges faced by small family farmers:

1. Ensure Simple Streamlined and Transparent Tools and Applications;
2. Ensure Reliable Access to Credit;
3. Ensure Working Farmland is Used to Farm;
4. Ensure Small Farms Can Be Passed On to the Next Generation for Generations to Come;
5. Hyperfocus USDA Programs for Farmers on Farmers;
6. Labor Reform;
7. Enhance Access to Risk Management and Business Planning Tools;
8. Ensure Definitions of Farm Size Reflect Modern Day Realities;
9. Enhance Farmer Access to Educational Resources;
10. Other Small Farm Resources Available. – May 19<sup>th</sup>, 2025